

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL DOCKET NO.: 1:08CR55-V

UNITED STATES OF AMERICA

vs.

KATHY RAY WAHLER
EDWARD WILLIAM WAHLER
LEWIS VINCENT HUGHES
RICHARD WALSER TURNER
Defendants.

FINAL PRETRIAL ORDER

THIS MATTER is before the Court on the Government's Motion To Reschedule Trial Date, filed October 6, 2009. (Document #120) This matter was recently continued from the September 2009 calendar and scheduled for trial during the January 2010 term. Because the basis for the most recent continuance (*i.e.*, a conflicting trial commitment by the prosecutor) no longer presents an obstacle, and in light of the parties' previous representations concerning preparedness for trial, the Court will grant the Government's motion.

For planning purposes, the parties are advised that the undersigned will conduct *voir dire*. FED. R. CRIM. P. 24(a)(1). Pursuant to Rule 24 of the Federal Rules of Criminal Procedure, since the Court will examine the prospective jurors, the Court must permit attorneys for the parties (or the parties themselves) to:

- (A) ask further questions ***that the court considers proper***; or
- (B) submit further questions that the court may ask ***if it considers them proper***.

FED. R. CRIM. P. 24(a)(2)(*emphasis added*). This Court will employ the procedure described in Subsection (a)(2)(B), which means that Defendants will not be permitted to ask questions of the jurors themselves. Rather, at the appropriate time, the parties will be provided an opportunity to

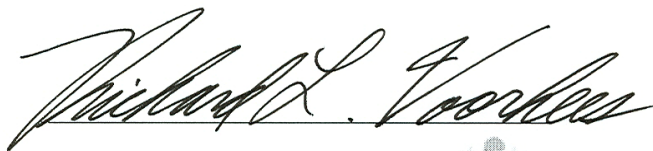
submit any additional questions they would like the Court to pose to the jury.¹

As the parties engage in their respective final preparations, the Court directs Stand-by counsel to make contact with their respective *pro se* “clients” in advance of the trial term to offer any legal assistance the Defendants may need, including an offer to answer any questions related to procedure, rules of evidence, or the like. Defendants are encouraged once again to avail themselves of the expertise of Stand-by counsel.

IT IS, THEREFORE, ORDERED THAT:

- 1) The Government’s Motion To Reschedule Trial Date is **GRANTED** and this matter is hereby placed back on the November 2, 2009 trial term in the Statesville Division, with a date certain to commence with opening statements and the Government’s case-in-chief on **Thursday, November 12, 2009 at 9:30 a.m.**;
- 2) The parties and all Stand-by counsel shall attend Calendar Call on **Monday, November 2, 2009 at 10 a.m.** in the Statesville Division;
- 3) Jury selection will be conducted on **Tuesday, November 3, 2009 at 9:30 a.m.**;
- 4) All motions *in limine* must be filed on or before **Friday, November 6, 2009**; and
- 5) Stand-by counsel shall be responsible for notifying their respective clients of the new trial date and attendant deadlines.²

Signed: October 8, 2009



Richard L. Voorhees
United States District Judge



¹ The parties may also submit proposed questions for *voir dire* in advance of jury selection.

² The Statesville Division Clerk’s Office notified chambers’ staff that the mail being sent to Defendants Lewis Vincent Hughes and Edward William Wahler from the Court is being returned unopened. For this reason, the Court requests that Stand-by counsel attempt either a face-to-face or telephone contact.